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Company, Inc.*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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GARTH O. GREEN ENTERPRISES, INC. *et al.*,

v.

RANDALL HARWARD, *et al.*

Case No. 2:15-cv-00556-DAK-EJF

**[PROPOSED] ORDER GRANTING  
STANDARD PLUMBING SUPPLY  
COMPANY, INC.'S RENEWED  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT RE: DECLARATORY  
JUDGMENT CLAIMS**

Honorable Judge Dale A. Kimball  
Honorable Magistrate Judge Evelyn J. Furse

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The Court, having considered Standard Plumbing Supply Company, Inc.'s ("Standard") Renewed Motion for Partial Summary Judgment re: Declaratory Judgment Claims (the "Motion"), having reviewed all the briefing on the Motion and considered oral argument, if any, thereon, good cause appearing therefore, hereby GRANTS Standard's Motion.

Judgment is hereby entered in Standard's favor on (1) Standard's fourth cause of action—declaratory relief regarding the validity and enforceability of the January 9, 2013 Asset

Purchase and Sale Agreement (the “APSA”) between Standard and Harward Irrigation Systems, Inc. and (2) Standard’s fifth cause of action—declaratory relief regarding the invalidity of Garth O. Green Enterprises, Inc., Garth O. Green, and Michael Green’s (collectively, the “Greens”) five *lis pendens* placed on the Sprinkler World properties *circa* February 2013. More specifically, the Court finds that the APSA is a valid and binding contract and that Standard is entitled to the rights and benefits of the APSA. The Court also finds that the Greens’ former *lis pendens* noticed against each of the five Sprinkler World properties were invalid from the outset and improperly filed.

IT IS SO ORDERED.

DATED this \_\_\_\_ day of December, 2017.

BY THE COURT:

By: \_\_\_\_\_  
Judge Dale A. Kimball  
United States District Court Judge

4824-7992-8919, v. 1